

**IN THE UNITED BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BRAC GROUP, INC. (f/k/a BUDGET	:	Chapter 11
GROUP, INC.), <i>et al.</i> ,	:	
Debtors,	:	Case No: 02-12152 (CGC)
	:	(Jointly Administered)
<hr/>		
BRAC GROUP, INC., (f/k/a BUDGET	:	
GROUP, INC.), <i>et al.</i> ,	:	
Plaintiffs and Counterclaim Defendants,	:	
	:	
	:	
v.	:	Adversary No.: 03-54271 (CGC)
	:	
JAEBAN (U.K.) LIMITED, <i>et al.</i> ,	:	
Defendant and Counterclaim Plaintiff	:	
	:	

**APPELLANT'S DESIGNATION OF ITEMS TO BE INCLUDED IN THE
RECORD ON APPEAL AND STATEMENT OF ISSUES ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Ibrahim Jaeban as Assignee of Jaeban (U.K.) Limited, Appellant, hereby designates the following items to be included in the record of his appeal from the following: (1) *Memorandum Opinion* regarding (A) Motion to Extend Time Deadlines in Revised Pre-Trial Scheduling Order, (B) BRACII's Motion for Further Sanctions and Other Related Relief, and (C) Mr. Jaeban's Motion for Order Reopening Limited Discovery, entered December 16, 2004 (Docket No. 73), (2) *Order* Granting BRACII's Motion for Further Sanctions and Other Relief and Denying as Moot Motion to Extend Time Deadlines in Revised Pre-Trial Scheduling Order and Mr. Jaeban's Motion for Order Reopening Limited Discovery entered January 13, 2005 (Docket No. 76), and (3) *Memorandum, Decision and Order* Denying Motion to Reconsider entered March 9, 2005 (Docket No. 83)¹.

¹ Due to the current unavailability of the transcript of the July 15, 2004 hearing, record items will be delivered on or before April 5, 2005.

DESIGNATION OF ITEMS

Filing Date/Entry Date	Docket No.	Document
07/09/2003	1	Complaint by BRAC Group, Inc. (f/k/a Budget Group, Inc.) against Jaeban (U.K.) Limited. Filed by BRAC Group, Inc.
08/22/2003	6	Answer to Complaint, Affirmative Defenses, and Counterclaim by Jaeban (U.K.) Limited against BRAC Group, Inc. Filed by Jaeban (U.K.) Limited.
09/23/2003	10	Answer to Complaint with Counterclaim Debtors' Answer and Affirmative Defenses to the Counterclaims of Defendant Jaeban (U.K.) Limited. Filed by BRAC Group, Inc.
9/29/2003	11	Notice of Service of Joint First Request for Production of Documents to Jaeban (U.K.) Limited. Filed by BRAC Group, Inc.
10/03/2003	14	Notice of Service. Filed by Jaeban (U.K.) Limited.
11/26/2003	16	Notice of Service of Second Joint Request for Production of Documents to Jaeban (UK) Limited. Filed by BRAC Group, Inc.
12/30/2003	20	Notice of Service of Jaeban (U.K.) Limited's Responses to Joint Second Request for Production of Documents. Filed by Jaeban (U.K.) Limited.
1/02/2004	21	Notice of Service re: Defendant/Counterclaim Plaintiff's First Request For Production Of Documents Directed To Plaintiffs/Counterclaim Defendants. Filed by Jaeban (U.K.) Limited.

1/12/2004	23	Order Granting Morris Nichols' Motion to Withdraw as Counsel.
		Transcript of January 12, 2004 Hearing.
2/03/2004	27	Motion to Strike Defendant's Counterclaims Due to Defendant's Refusal to Participate in this Proceeding. Filed by BRAC Group, Inc.
		Transcript of February 4, 2004 Hearing.
3/01/2004	30	Response to Plaintiff's Motion to Strike Defendant's Counterclaims due to Defendant's Refusal to Participate in this Proceeding. Filed by Jaeban (U.K.) Limited.
3/05/2004	31	Reply of Plaintiff in Support of Its Motion to Strike. Filed by BRAC Group, Inc.
		Transcript of March 10, 2004 Hearing.
5/25/2004	32	Memorandum Opinion.
6/08/2004	33	Motion for Partial Reconsideration Based on Controlling English Decisions. Filed by BRAC Group, Inc.
6/25/2004	35	Objection to (1) BRACII's Motion for Partial Reconsideration Based on Controlling English Decisions and (2) BRACII's Motion for a Four-Day Extension of Time to File its Motion for Reconsideration. Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
		Transcript of July 15, 2004 Hearing.

7/19/2004	40	Amended Complaint. Filed by BRAC Group, Inc.
7/23/2004	42	Answer to Amended Complaint, Amended Counterclaim by Ibrahiem Jaeban against BRAC Group, Inc. Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
7/30/2004	43	Answer to Complaint with Counterclaim/ Debtor's Answer and Affirmative Defenses to Amended Counterclaims of Defendant Ibrahiem Jaeban. Filed by BRAC Group, Inc.
8/03/2004	44	Revised Pre-Trial Scheduling Order.
8/20/2004	46	Notice of Service of Request for Production of Documents. Filed by Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
8/23/2004	47	Motion to Extend Time Deadlines in Revised Pre-trial Scheduling Order. Filed by Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
8/27/2004	50	BRACII's Motion for Further Sanctions and Other Relief Due to Mr. Jaeban's Multiple Failures to Comply with the Court's May 25, 2004 Order. Filed by BRAC Group, Inc.
8/27/2004	51	Motion for Order Reopening Limited Discovery. Filed by Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
9/07/2004	53	Objection to BRAC's Motion to File a Short Further Submission in Support of Its Motion for Partial Reconsideration in Light of a Newly-Produced Document. Filed by Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.

9/14/2004	56	Objection to Mr. Jaeban's Motion for Order Reopening "Limited Discovery". Filed by BRAC Group, Inc.
9/14/2004	57	Response to BRACII's Motion for Further Sanctions and Other Relief. Filed by Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
9/18/2004	65	Reply to BRAC Group's Objection to Motion For Order Reopening Limited Discovery. Filed by Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
9/18/2004	66	Reply Memorandum in Support of BRACII's Motion for Further Sanctions and Other Relief. Filed by BRAC Group, Inc.
12/16/2004	73	Memorandum Opinion Regarding Motion to Extend Time Deadlines in Revised Pre-Trial Scheduling Order, (II) BRACII's Motion for Further Sanctions and Other Relief, and (III) Mr. Jaeban's Motion for Order Reopening Limited Discovery.
1/13/2005	76	Order Granting BRACII's Motion for Further Sanctions and Other Relief and Denying as Moot Motion to Extend Time Deadlines in Revised Pre-Trial Scheduling Order and Mr. Jaeban's Motion for Order Reopening Limited Discovery.
1/19/2005	77	Transcript of September 21, 2004 Hearing.
1/24/2005	78	Motion to Reconsider January 13, 2005 Order and Memorandum in Support Thereof. Filed by Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
2/04/2005	80	Memorandum in Opposition to Mr. Jaeban's Motion for Reconsideration. Filed by BRAC Group, Inc.

2/15/2005	81	Reply Memorandum of Ibrahiem Jaeban in Support of Motion for Reconsideration. Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
2/16/2005	82	Notice of Completion of Briefing and Request For Oral Argument. Filed by Ibrahiem Jaeban, Assignee of Jaeban (U.K.) Limited.
3/9/2005	83	Memorandum Opinion and Order.
3/17/2005	84	Notice of Appeal.

STATEMENT OF ISSUES ON APPEAL

1. Did the Bankruptcy Court err in striking and dismissing Mr. Jaeban's and Jaeban (U.K.) Limited's counterclaims and objections to the Debtors' proposed cure amounts related to the contract with Jaeban (U.K.) Limited?
2. Did the Bankruptcy Court err in denying Mr. Jaeban's Motion for Reconsideration of the December 14, 2004 Memorandum Opinion and January 13, 2005 Order?
3. Did the Bankruptcy Court err in overruling as moot Mr. Jaeban's Motion to Extend Time Deadlines in Revised Pre-trial Scheduling Order and Motion for Order Reopening Limited Discovery?
4. Did the Bankruptcy Court err in entering sanctions against Mr. Jaeban?

Dated: March 28, 2005

WERB & SULLIVAN

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 Limited**